IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 65080-M of 2006

DATE OF DECISION : 16.11.2006

Madan Lal alias Madan Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.P.S. Sidhu, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

* * *

Petitioner Madan Lal alias Madan Singh has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 11 dated 13.1.2006 registered at Police Station Sadar Fazilka, District Ferozepur, under Sections 304-B/201/34 IPC.

2. I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 5.7.2006, passed by Additional Sessions Judge, Ferozepur, whereby bail application of the petitioner has been dismissed.

3. The petitioner is husband of the sister-in-law (Nandoia) of the deceased Swarna. The aforesaid FIR has been registered on the complaint made by Tara Singh, father of the deceased, levelling allegations against the husband, sister-in-law and husband of the sister-in-law of the deceased. In the complaint, it has been alleged by the complainant that his son-in-law (husband of the deceased) is a drug addict and he is also habitual of committing forgeries. When the deceased used to restrain her husband from taking intoxicants and from doing bad acts, he used to harass and beat her. It is further alleged by the complainant that sister-in-law of the deceased and her husband (petitioner) used to help her husband. It has also been alleged

that the accused also used to harass the deceased for bringing more dowry including a motor cycle. It is further alleged by the complainant that when there was a festival of Lohri, his wife and son went to see his daughter, where they found that his daughter was vomiting. On their asking, she disclosed that her husband, sister-in-law and the present petitioner gave beating to her, due to that, she had consumed some poisonous substance. Thereupon, according to the complainant, his wife and son came back to Jalalabad on motor cycle and narrated the whole version to the complainant. It is further stated by him that when he and other members reached the village of the accused, they found that body of his deceased daughter was being cremated. It was alleged that his daughter has committed suicide due to harassment by the accused and they have also tried to destroy the dead body.

4. Counsel for the petitioner contends that as far as the petitioner is concerned, he has been falsely implicated and the allegations levelled against him are highly improbable. He contends that the petitioner along with his wife and family is living separately in a different village. Actually, even as per allegations in the FIR, husband of the deceased was a drug addict and he used to harass and beat the deceased, due to which it is alleged that she committed suicide. Counsel contends that it cannot be believed that when the wife and son of the complainant visited the place of the deceased and found her committing suicide as she had taken poison, they will return back to the complainant in a different village, without first getting her admitted in Hospital. Counsel contends that actually, this version is totally concocted and the petitioner and his wife being relations of the husband have been falsely implicated, though they are living separately in a separate village and have nothing to do with the married life of the deceased and her husband. Counsel contends that the petitioner is in custody since 21.1.2006. His wife, against whom there are similar allegations, has been granted regular bail by the trial court. He further contends that about 14 prosecution witnesses are yet to be examined and trial is not going to conclude soon.

5. The custody period as well as the fact that regular bail has been granted to the wife of the petitioner have not been disputed by the State Counsel. However, it is submitted by him that keeping in view the nature of offence, the petitioner should not be granted the concession of regular bail. It is not the case of the prosecution that there is likelihood that the petitioner, if released on bail, will influence the prosecution witnesses.

6. In view of the above, without commenting anything on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

November 16, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**